

**Rule 614. Court's Calling or Examining a Witnesses.**

(a) **Calling.** The court may call a witness on its own or at a party's request. Each party is entitled to cross-examine the witness.

(b) **Examining.** The court may examine a witness regardless of who calls the witness.

(c) **Objections.** A party may object to the court's calling or examining a witness either at that time or at the next opportunity when the jury is not present.

**Comment to 2012 Amendment**

The language of Rule 614 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

**Cases**

**Paragraph (a) — Calling by court.**

614.a.010 The trial court has broad discretion whether and when to call its own witness.

*State v. Johnson*, 183 Ariz. 623, 635, 905 P.2d 1002, 1014 (Ct. App. 1995) (after jurors began deliberations, they sent note to trial court asking how photographs in photographic lineup were mounted and whether defendant had a limp at time of attack; trial court consulted with attorneys, recalled detective as "court's witness," told jurors it was doing so because detective was only witness who could answer jurors' question, asked detective only questions jurors had asked, and gave both attorneys opportunity to cross-examine detective, which defendant declined; court held that this was not an abuse of trial court's discretion and that it did not prejudice defendant), *approved on other grounds*, 186 Ariz. 329, 922 P.2d 294 (1996).

*State v. Vaughn*, 124 Ariz. 163, 165, 602 P.2d 831, 833 (Ct. App. 1979) (co-defendant gave statements implicating defendant, and entered into plea agreement; prior to trial, co-defendant recanted his earlier statements implicating defendant; trial court called co-defendant as court's witness, which allowed both parties to cross-examine him).

**Paragraph (b) — Interrogation by court.**

614.b.010 The trial court has discretion to ask questions of a witness as part of its duty to see that the truth is developed.

*State v. Schackart*, 190 Ariz. 238, 256, 947 P.2d 315, 333 (1997) (trial court did not abuse discretion in questioning defendant's expert witness at aggravation/mitigation hearing).

614.b.020 The trial court has discretion to ask questions submitted in writing by a juror.

*State v. Johnson*, 183 Ariz. 623, 635, 905 P.2d 1002, 1014 (Ct. App. 1995) (after jurors began deliberations, they sent note to trial court asking how photographs in photographic lineup were mounted and whether defendant had a limp at time of attack; trial court consulted with attorneys, recalled detective as "court's witness," told jurors it was doing so because detective was only witness who could answer jurors' question, asked detective only questions jurors had asked, and gave both attorneys opportunity to cross-examine detective, which defendant declined; court held that this was not an abuse of trial court's discretion and that it did not prejudice defendant), *approved on other grounds*, 186 Ariz. 329, 922 P.2d 294 (1996).

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*State v. LeMaster*, 137 Ariz. 159, 164, 669 P.2d 592, 597 (Ct. App. 1983) (after attorneys examined each witness, trial court had recess during which jurors were allowed to submit questions; trial court then discussed questions with attorneys, resumed trial, and asked witness questions it found acceptable).

April 10, 2013